

SPEECHES

BY A

Member of the Parliament,

Which began at

EDINBURGH

The 6th. of May 1703.

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Advertisement.

SOME of the following Speeches are not Plac'd in the Order they were Spoken, but in such an Order as the Matters they contain seem to require.



I,

My Lord Chancellor,

I Am not surpriz'd to find an Act for a Supply brought into this House, at the beginning of a Session. I know Custom has for a long time made it common. But I think Experience may teach us, that such Acts should be the last of every Session; or lie upon the Table, till all other great Affairs of the Nation be finished, and then only granted. 'Tis a strange Proposition which is usually made in this House; That if we will give Money to the Crown, then the Crown will give us good Laws: As if we were to buy good Laws of the Crown, and pay Money to our Princes, that they may do their Duty, and comply with their Coronation Oath. And yet this is not the worst; for we have often had promises of good Laws, and when we have given the Sums demanded, those Promises have been broken, and the Nation left to seek a Remedy; which

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is not to be found, unless we obtain the Laws we want, before we give a Supply. And if this be a sufficient reason at all times to postpone a Money-Act, can we be blam'd for doing so at this time, when the Duty we owe to our Country, indispensably obliges us to provide for the common Safety in case of an Event, altogether out of our Power, and which must necessarily dissolve the Government, unless we continue and secure it by new Laws; I mean the Death of Her Majesty, which God in mercy long avert? I move therefore, that the House would take into consideration, what Acts are necessary to secure our Religion, Liberty, and Trade, in case of the said Event, before any Act of Supply, or other Business whatever, be brought into Deliberation.

Act

Act concerning Offices, &c. brought in
by the same Member.

THE Estates of Parliament taking into their Consideration, that to the great Loss and Detriment of this Nation, great Sums of Money are yearly carried out of it, by those who wait and depend at Court for Places and Preferments in this Kingdom: And that by Scots-men, employing English Interest at Court, in order to obtain their several Pretensions, this Nation is in hazard of being brought to depend upon English Ministers: And likewise considering, that by reason our Princes do no more reside amongst us, they cannot be rightly inform'd of the Merit of Persons pretending to Places, Offices, and Pensions; therefore our Sovereign Lady, with advice and consent of the Estates of Parliament, Statutes and ordains, That after the decease of Her Majesty (whom God long preserve) and Heirs of her Body failing, all Places and Offices, both Civil and Military, and all Pensions formerly conferred by our Kings, shall ever after be given by Parliament, by way of Ballot.

II.

My Lord Chancellor,

WHEN our Kings succeeded to the Crown of England, the Ministers of that Nation took a short way to ruin us, by concurring with their Inclinations to extend the Prerogative in *Scotland*; and the great Places and Pensions confer'd upon Scots-men by that Court, made them to be willing Instruments in the work. From that time this Nation began to give away their Privileges one after the other, tho they then stood more in need of having them enlarg'd. And as the Collections of our Laws, before the Union of the Crowns, are full of Acts to secure our Liberty, those Laws that have been made since that time, are directed chiefly to extend the Prerogative. And that we might not know what Rights and Libertys were still ours, nor be excited by the memory of what our Ancestors enjoy'd to recover those we had lost, in the two last Editions of our Acts of Parliament, the most considerable Laws for the Liberty of the Subject are industriously and designedly left out. All our Affairs since the Union of the Crowns, have been manag'd by the Advice of English Ministers, and the principal Offices of the Kingdom fill'd with such Men

Men as the Court of England knew wou'd be subervient to their Designs: By which means they have had so visible an influence upon our whole Administration, that we have from that time appear'd to the rest of the World, more like a conquer'd Province, than a free and independent People. The Account is very short: Whilst our Princes are not absolute in England, they must be influenc'd by that Nation; our Ministers must follow the Directions of the Prince or lose their Places, and our Places, and Pensions will be distributed according to the Inclinations of a King of England, so long as a King of England has the Disposal of them: Neither shall any Man obtain the least advancement, who refuses to Vote in Council and Parliament under that Influence. So that there is no way to free this Country from a ruinous Dependance upon the English Court, unless by placing the Power of conferring Offices and Pensions in the Parliament, so long as we shall have the same King with England. The Antient Kings of Scotland, and even those of France, had not the power of conferring the chief Offices of State, tho each of them had only one Kingdom to govern, and that the difficulty we labour under, of two Kingdoms which have different Interests govern'd by the same King, did not occur. Besides, we
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all know that the Disposal of our Places and Pensions is so inconsiderable a thing to a King of England, that several of our Princes, since the Union of the Crowns, have wish'd to be free from the trouble of deciding between the many Pretenders. That which would have given them ease, will give us Liberty, and make us significant to the common interest of both Nations. Without this, 'tis impossible to free us from a Dependence on the English Court: All other Remedies and Conditions of Government will prove ineffectual, as plainly appears from the nature of the thing; for who is not sensible of the influence of Places and Pensions upon all Men and all Affairs? If our Ministers continue to be appointed by the English Court, and this Nation may not be permitted to dispose of the Offices and Places of this Kingdom to balance the English Bribery, they will corrupt every thing to that degree, that if any of our Laws stand in their way, they will get them repeal'd. Let no Man say, that it cannot be prov'd that the English Court has ever bestow'd any Bribe in this Country. For they bestow all Offices and Pensions; they bribe us, and are Masters of us at our own cost. 'Tis nothing but an English interest in this House, that those who wish well to our Country, have to struggle with at this time. We may, if we please

please, dream of other Remedies ; but so long as Scots-men must go to the English Court to obtain Offices of Trust or Profit in this Kingdom, those Offices will always be manag'd with regard to the Court and Interest of England, tho' to the betraying of the interest of this Nation, whenever it comes in competition with that of England. And what less can be expected, unless we resolve to expect Miracles, and that greedy, ambitious, and for the most part necessitous Men, involy'd in great Debts, burden'd with great Families, and having great Titles to support, will lay down their Places, rather than comply with an English Interest in obedience to the Prince's Commands ? Now to find Scots-men opposing this, and willing that English Ministers (for this is the case) should have the Disposal of Places and Pensions in Scotland, rather than their own Parliament, is matter of great Astonishment ; but that it should be so much as a Question in the Parliament, is altogether incomprehensible: And if an indifferent Person were to judge, he would certainly say, we were an English Parliament. Every Man knows that Princes give Places and Pensions by the influence of those who advise them. So that the Question comes to no more than, whether this Nation would be in a better Condition, if in conferring our

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Places

Places and Pensions the Prince should be determin'd by the Parliament of Scotland, or by the Ministers of a Court, that make it their Interest to keep us low and miserable. We all know that this is the cause of our Poverty, Misery and Dependence. But we have been for a long time so poor, so miserable and depending, that we have neither Heart nor Courage, tho we want not the Means, to free our selves.

III.

My Lord Chancellor,

Prejudice and Opinion govern the World to the great distress and ruin of Mankind; and tho we daily find Men so rational as to charm by the disinterested Rectitude of their Sentiments in all other things, yet when we touch upon any wrong Opinion with which they have been early prepossess'd, we find them more irrational than any thing in nature, and not only not to be convinc'd, but obstinately resolv'd not to hear any reason against it. These Prejudices are yet stronger when they are taken up by great Numbers of Men, who confirm each other thro the course of several Generations, and seem to have their Blood tainted, or, to speak more properly, their animal Spirits influenc'd by them.

them. Of these Delusions, one of the strongest and most pernicious, has been a violent Inclination in many Men to extend the Prerogative of the Prince to an absolute and unlimited Power. And tho in limited Monarchies all good Men profess and declare themselves Enemies to all tyrannical Practices, yet many, even of these, are found ready to oppose such necessary Limitations as might secure them from the tyrannical Exercise of Power in a Prince, not only subject to all the Infirmities of other Men, but by the Temptations arising from his Power, to far greater. This Humour has greatly increas'd in our Nation, since the Union of the Crowns; and the slavish Submissions, which have bin made necessary to procure the Favours of the Court, have cherish'd and fomented a slavish Principle. But I must take leave to put the Representatives of this Nation in mind, that no such Principles were in this Kingdom before the Union of the Crowns; and that no Monarchy in Europe was more limited, nor any People more jealous of Liberty than the Scots. These Principles were first introduc'd among us after the Union of the Crowns, and the Prerogative extended to the Overthrow of our antient Constitution, chiefly by the Prelatical party; tho the peevish, imprudent, and detestable Conduct of the Presbyterians,

who oppos'd these Principles only in others;
 drove many into them, give them greater
 force, and rooted them more deeply in this
 Nation. Shou'd we not be asham'd to em-
 brace Opinions contrary to Reason, and contra-
 ry to the Sentiments of our Ancestors, meerly
 upon account of the uncharitable and insup-
 portable Humour and ridiculous Conduct of
 Bigots of any sort? If then no such Principles
 were in this Nation, and the Constitution of our
 Government had greatly limited the Prince's
 power before the Union of the Crowns; dare
 any Man say he is a Scots-man, and refuse
 his Consent to reduce the Government of
 this Nation, after the Expiration of the
 Intail, within the same Limits as before
 that Union? And if since the Union of the
 Crowns, every one sees that we stand in
 need of more Limitations; will any Man act
 in so direct an opposition to his own Reason,
 and the undoubted Interest of his Country,
 as not to concur in limiting the Government
 yet more than before the Union, particularly
 by the Addition of this so necessary Li-
 mitation for which I am now speaking?
 My Lord, These are such clear Demonstra-
 tions of what we ought to do in such Con-
 junctures, that all Men of common Inge-
 nuity must be asham'd of entring into any
 other Measures. Let us not then tread in
 the steps of mean and fawning Priests
 of

of any sort, who are always dispos'd to place an absolute Power in the Prince, if he on his part will gratify their Ambition, and by all means support their Form of Church-Government, to the Persecution of all other Men, who will not comply with their Impositions. Let us begin where our Ancestors left before the Union of the Crowns, and be for the future more jealous of our Liberties, because there is more need. But I must take upon me to say, that he who is not for setting great Limitations upon the Power of the Prince, particularly that for which I am speaking, in case we have the same King with England, can act by no Principle, whether he be a Presbyterian, Prelatical, or Prerogative-man, for the Court of St. Germans, or that of Hanover; I say, he can act by no Principle unless that of being a Slave to the Court of England for his own Advantage. And therefore let not those who go under the name of Prerogative-men, cover themselves with the pretext of Principles in this case; for such Men are plainly for the Prerogative of the English Court over this Nation, because this Limitation is demanded only in case we come to have the same King with England.

And for Security of the Kingdom, brought
in by the same Member.

THE Estates of Parliament considering, That
when it shall please GOD to afflict this
Nation with the Death of our SOVEREIGN LA-
DY the Queen (whom God of his infinite Mercy
long preserve) if the same shall happen to be with-
out Heirs of her Body, this Kingdom may fall into
great Confusion and Disorder before a Successor can
be declar'd. For preventing thereof, our Sovereign
Lady, with Advice and Consent of the Estates of
Parliament, statutes and ordains, That if at the fore-
said time, any Parliament or Convention of Estates
shall be assembled, then the Members of that Parlia-
ment or Convention of Estates shall take the Admini-
stration of the Government upon them: excepting those
Barons and Burrows, who at the foresaid time shall
have any Place or Pension, mediately or immediate-
ly of the Crown: whose Commissions are hereby de-
clar'd to be void; and that new Members shall be
chosen in their place: But if there be no Par-
liament or Convention of Estates actually assembled,
then the Members of the current Parliament shall
assemble with all possible diligence: And if there be
no current Parliament, then the Members of the last
dissolv'd Parliament, or Convention of Estates, shall
assemble in like manner: and in those two last cases,
so soon as there shall be one hundred Members met,

in which number the Barons and Burrows before-
 mention'd are not to be reckon'd, They shall take the
 Administration of the Government upon them: But
 neither they nor the Members of Parliament, or Con-
 vention of Estates, if at the time foresaid assembled,
 shall proceed to the weighty Affair of naming and de-
 claring a Successor, till twenty days after they have
 assum'd the Administration of the Government:
 both that there may be time for all the other Mem-
 bers to come to Edinburgh, which is hereby de-
 clar'd the place of their Meeting, and for the E-
 lections of new Barons and Burrows in place above-
 mention'd. But so soon as the twenty days are e-
 laps'd, then they shall proceed to the publishing by
 Proclamation the Conditions of Government, on
 which they will receive the Successor to the imperial
 Crown of this Realm: which in the case only of our
 being under the same King with England, are as
 follows.

1. That Elections shall be made at every Mi-
 chaelmas Head-Court for a new Parliament every
 year; to sit the first of November next following,
 and adjourn themselves from time to time, till next
 Michaelmas: That they chuse their own Presi-
 dent, and that every thing shall be determin'd by
 Balloting, in place of Voting.

2. That so many lesser Barons shall be added to
 the Parliament, as there have been Noble-men cre-
 ated since the last Augmentation of the Number of
 the Barons; and that in all time coming, for every
 Noble-man that shall be created, there shall be a Ba-
 ron added to the Parliament.

3. That

3. That no Man have Vote in Parliament, but a Noble-man or elected Member.

4. That the King shall give the Sanction to all Laws offer'd by the Estates, and that the President of the Parliament be empower'd by his Majesty to give the Sanction in his absence, and have ten Pounds Sterling a day Sallary.

5. That a Committee of one and thirty Members, of which nine to be a Quorum, chosen out of their own Number, by every Parliament; shall during the Intervals of Parliament, under the King, have the Administration of the Government, be his Council, and accountable to the next Parliament; with power in extraordinary occasions, to call the Parliament together: and that in the said Council, all things be determin'd by Balloting in place of Voting.

6. That the King without consent of Parliament, shall not have the Power of making Peace and War; or that of concluding any Treaty with any other State or Potentate.

7. That all Places and Offices, both Civil and Military, and all Pensions formerly confer'd by our Kings, shall ever after be given by Parliament.

8. That no Regiment or Company of Horse, Foot, or Dragoons be kept on foot in Peace or War, but by consent of Parliament.

9. That all the fencible Men of the Nation, betwixt sixty and sixteen, be with all Diligence possible, arm'd with Bagonets, and Fire-locks all of a calibre, and continue always provided in such Arms, with Ammunition futeable.

10. That

10. That no general Indemnity, nor Pardon for any Transgression against the Publick, shall be valid without consent of Parliament.

11. That the fifteen Senators of the College of Justice, shall be incapable of being Members of Parliament, or of any other Office, or any Pension: but the Salary that belongs to their Place, to be increased as the Parliament shall think fit: That the Office of President shall be in three of their Number to be named by Parliament, and that there be no extraordinary Lords. And also, that the Lords of the Justice Court shall be distinct from those of the Session, and under the same Restrictions.

12. That if any King break in upon any of these Conditions of Government, he shall by the Estates be declared to have forfeited the Crown.

Which Proclamation made, they are to go on to the naming and declaring a Successor: and when he is declared, if present, are to read to him the Claim of Right and Conditions of Government above-mentioned, and to desire of him, that he may accept the Crown accordingly; and he accepting, they are to administer to him the Oath of Coronation: But if the Successor be not present, they are to delegate such of their own Number as they shall think fit, to see the same performed, as said is: And are to continue in the Administration of the Government, until the Successor his accepting of the Crown, upon the foresaid Terms, be known to them: Whereupon having then a King at their Head, they shall by his Authority declare themselves a Parliament, and proceed to

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the doing of whatever shall be thought expedient for the Welfare of the Realm. And it is likewise by the Authority aforesaid declar'd, That if Her present Majesty shall think fit, during her own time, with Advice and Consent of the Estates of Parliament, failing Heirs of her Body, to declare a Successor, yet nevertheless, after her Majesty's decease, the Members of Parliament or Convention shall in the several cases, and after the manner above-specified, meet and admit the Successor to the Government, in the Terms and after the manner as said is. And it is hereby further declar'd, That after the Decease of her Majesty, and failing Heirs of her Body, the fore-mentioned manner and method shall in the several cases, be that of declaring and admitting to the Government all those who shall hereafter succeed to the Imperial Crown of this Realm. And that it shall be High Treason for any Man to utter or acknowledge any Person as King or Queen of this Realm, till they are declar'd and admitted in the above-mention'd manner. And lastly, it is hereby declar'd, that by the Death of Her Majesty, or any of her Successors, all Commissions, both Civil and Military, fall and are void. And that this Act shall come in place of the 17th Act of the 6th Session of King William's Parliament. And all Acts and Laws, that any way derogate from this present Act, are hereby, in so far, declar'd void and abrogated.

My Lord Chancellor,

TIS the utmost height of human Prudence to see and embrace every favourable Opportunity: And if a Word spoken in season does for the most part produce wonderful Effects; of what consequence and advantage must it be to a Nation in Deliberations of the highest moment; in Occasions, when past, for ever irretrievable, to enter into the right path, and take hold of the golden Opportunity, which makes the most arduous things easy, and without which the most inconsiderable may put a stop to all our Affairs? We have this day an Opportunity in our Hands, which if we manage to the advantage of the Nation we have the Honour to represent, we may, so far as the Vicissitude and Uncertainty of human Affairs will permit, be for many Ages easy and happy. But if we despise or neglect this Occasion, we have voted our perpetual Dependence on another Nation. If Men could always retain those just Impressions of things they at some times have upon their Minds, they would be much more steady in their Actions. And as I may boldly say, that no Man is to be found in this House, who at

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some time or other has not had that just
 sense of the miserable Condition to which
 this Nation is reduc'd by a dependence upon
 the English Court, I should demand no more
 but the like Impressions at this time to pass
 all the Limitations mention'd in the draught
 of an Act I have already brought into this
 House; since they are not Limitations upon
 any Prince, who shall only be King of Scot-
 land, nor do any way tend to separate us from
 England; but calculated meerly to this end,
 That so long as we continue to be under the
 same Prince with our Neighbour Nation,
 we may be free from the influence of English
 Councils and Ministers; that the Nation
 may not be impoverish'd by an expensive
 Attendance at Court, and that the Force
 and Exercise of our Government may be,
 as far as is possible, within our selves. By
 which means Trade, Manufactures, and
 Husbandry will flourish, and the Affairs of
 the Nation be no longer Neglected, as they
 have been hitherto. These are the ends to
 which all the Limitations are directed, That
 English Councils may not hinder the Acts of
 our Parliaments from receiving the Royal
 Assent; That we may not be engag'd without
 our Consent in the Quarrels they may have
 with other Nations; That they may not ob-
 struct the meeting of our Parliaments, nor
 interrupt their sitting; That we may not
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stand in need of posting to London for Places and Pensions, by which, whatever particular Men may get, the Nation must always be a Loser, nor apply for the Remedies of our Grievances to a Court, where for the most part none are to be had. On the contrary, if these Conditions of Government be enacted, our Constitution will be amended, and our Grievances be easily redress'd by a due Execution of our own Laws, which to this day we have never been able to obtain. The best and wisest Men in England will be glad to hear that these Limitations are settled by us; for tho the Ambition of Courtiers lead them to desire an uncontrollable power at any rate; yet wiser Men will consider that when two Nations live under the same Prince, the Condition of the one cannot be made intolerable, but a Separation must inevitably follow, which will be dangerous, if not destructive to both. The Senat of Rome wisely determin'd in the business of the Privernates, that all People would take hold of the first opportunity to free themselves from an uneasy Condition; that no Peace could be lasting, in which both Parties did not find their account; and that no Alliance was strong enough to keep two Nations in Amity, if the Condition of either were made worse by it. For my own part, my Lord Chancellor, before I will consent to continue in our present miserable and lang-

languishing Condition after the Decease of her Majesty, and Heirs of her Body failing, I shall rather give my Vote for a Separation from England at any rate. I hope no Man who is now possess'd of an Office, will take umbrage at these Conditions of Government, tho some of them seem to diminish, and others do intirely suppress the Place he possesses: For besides the Scandal of preferring a private Interest before that of our Country, these Limitations are not to take place immediatly. The Queen is yet young, and by the Grace of God may live many Years, I hope longer than all those she has plac'd in any Trust; and should we not be happy, if those who for the future may design to recommend themselves for any Office, could not do it by any other way than the Favour of this House, which they who appear for these Conditions will deserve in a more eminent degree? Would we rather court an English Minister for a place than a Parliament of Scotland? Are we afraid of being taken out of the Hands of English Courtiers, and left to govern our selves? And do we doubt whether an English Ministry, or a Scots Parliament will be most for the Interest of Scotland? But that which seems most difficult in this Question, and in which, if Satisfaction be given, I hope no Man will pretend to be dissatisfied with these Limitations

tations, is the Interest of a King of Great Britain. And here I shall take liberty to say, that as the Limitations do no way affect any Prince that may be King of Scotland only, so they will be found highly advantageous to a King of Great Britain. Some of our late Kings, when they have been perplex'd about the Affairs of Scotland did let fall such Expressions, as intimated they thought them not worth their Application. And indeed we ought not to wonder if Princes like other Men should grow weary of toiling where they find no advantage. But to set this Affair in a true light I desire to know, whether it can be more advantageous to a King of Great Britain to have an unlimited Prerogative over this Country in our present ill Condition, which turns to no account, than that this Nation grow rich and powerful under these Conditions of Government, should be able upon any Emergency to furnish a good Body of Land forces, with a Squadron of Ships for War, all paid by our selves, to assist His Majesty in the Wars he may undertake for the Defence of the Protestant Religion and Liberties of Europe. Now since I hope I have shewn, that those who are for the Prerogative of the Kings of Scotland, and all those who are possess'd of Places at this time, together with the whole English Nation

tion, as well as a King of Great Britain, have cause to be satisfied with these Regulations of Government; I would know what difficulty can remain; unless that being accustomed to live in a Dependency and unacquainted with Liberty, we know not so much as the meaning of the Word; nor if that should be explain'd to us, can never persuade our selves we shall obtain the thing; tho' we have it in our power by a few Votes to set our selves and our Posterity free. To say that this will stop at the Royal Assent, is a Suggestion disrespectful to her Majesty, and which ought neither to be mention'd in Parliament, nor be consider'd by any Member of this House. And were this a proper time, I am confident I could say such things, as being represent'd to the Queen, would convince her, That no Person can have greater Interest, nor obtain more lasting Honour by the enacting of these Conditions of Government, than her Majesty. And if the Nation be assisted in this Exigency by the good Offices of his Grace the High Commissioner, I shall not doubt to affirm, that in procuring this Blessing to our Country from Her Majesty, he will do more for us, than all the Great Men of that Noble Family, of which he is descended, ever did; tho' it seems to have bin their peculiar Province for divers Ages, to defend the Liber-

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ties of this Nation against the power of the English and the deceit of Courtiers. What further Arguments can I use to persuade this House to enact these Limitations, and embrace this occasion, which we have so little deserv'd? I might bring many; but the most proper and effectual to persuade all, I take to be this: That our Ancestors did enjoy the most essential Liberties contain'd in the Act I have propos'd: And tho some few of less moment are among them which they had not yet they were in possession of divers others not contain'd in these Articles: That they enjoy'd these Priviledges when they were separated from England, had their Prince living among them, and consequently stood not in so great need of these Limitations. Now since we have been under the same Prince with England, and therefore stand in the greatest need of them, we have not only neglected to make a due Provision of that kind, but in divers Parliaments have given away our Liberties, and upon the matter subjected this Crown to the Court of England: And are become so accusm'd to depend on them, that we seem to doubt whether we shall lay hold of this happy opportunity to resume our Freedom. If nothing else will move us, at least let us not act in opposition to the Light of our own Reason and Conscience, which daily represents to us the ill Constitution of

our Government ; the low Condition into which we are sunk, and the extreme Poverty, Distress, and Misery of our People. Let us consider whether we will have the Nation continue in these deplorable Circumstances, and lose this Opportunity of bringing Freedom and Plenty among us. Sure the Heart of every honest Man must bleed daily, to see the Misery in which our Commons, and even many of our Gentry live; which has no other cause but the ill Constitution of our Government, and our bad Government no other root, but our Dependence upon the Court of England. If our Kings liv'd among us, 'twould not be strange to find these Limitations rejected. 'Tis not the Prerogative of a King of Scotland I would diminish, but the Prerogative of English Ministers over this Nation. To conclude, these Conditions of Government being either such as our Ancestors enjoy'd, or principally directed to cut off our Dependence on an English Court, and not to take place during the Life of the Queen ; he who refuses his Consent to them; whatever he may be by Birth, cannot sure be a Scots-man by Affection. This will be a true Test to distinguish, not Whig from Tory, Presbyterian from Episcopal, Hanover from St. Germans, nor yet a Courtier from a Man out of Place ; but a proper Test to distinguish a Friend from an Enemy to his

his Country. And indeed we are split into so many parties, and cover our selves with so many false Pretexrs, that such a Test seems necessary to bring us in to the Light, and shew every Man in his own Colours. In a word, my Lord Chancellor, we are to consider, That tho we suffer under many Grievances, yet our Dependence upon the Court of England is the cause of all, comprehends them all, and is the Band that tyes up the Bundle. If we break this, they will all drop and fall to the ground : If not, this Band will straiten us more and more, till we shall be no longer a People.

I therefore humbly propose, That for the security of our Religion, Liberty, and Trade, these Limitations be declar'd by a Resolution of this House, to be the Conditions, upon which the Nation will receive a Successor to the Crown of this Realm after the Decease of her present Majesty, and failing Heirs of her Body, in case the said Successor shall be also King or Queen of England.

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My Lord Chancellor,

I Am sorry to hear what has bin just now
spoken from the Throne. I know the
Duty I owe to her Majesty, and the Respect
that is due to her Commissioner; and there-
fore shall speak with a just regard to both.
But the Duty I owe to my Country obliges me
to say, that what we have now heard from
the Throne, must of necessity proceed from
English Councils. If we had demanded that
these Limitations should take place during
the Life of Her Majesty, or of the Heirs of
her Body, perhaps we might have no great rea-
son to complain, tho they should be refus'd.
But that Her Majesty should prefer the
Prerogative of she knows not who, to the
Happiness of the whole People of Scotland;
that she should deny her Assent to such Con-
ditions of Government as are not Limitations
upon the Crown of Scotland, but only such
as are absolutely necessary to relieve us from
a Subjection to the Court of England, must
proceed

proceed from English Councils; as well because there is no Scots Minister now at London, as because I have had an account which I believe to be too well grounded, That a Letter to this effect has bin sent down higher by the Lord Treasurer of England, not many days ago. Besides, all Men who have lately bin at London, well know, that nothing has bin more common, than to see Scots men of the severall Parties, addressing themselves to English Ministers about Scots Affairs; and even to some Ladies of that Court, whom for the respect I bear to their Relations, I shall not name. Now, whether we shall continue under the Influence and Subjection of the English Court; or whether it be not high time to lay before her Majesty, by a Vote of this House, the Conditions of Government upon which we will receive a Successor, I leave to the Wisdom of the Parliament. This I must say, that to tell us any thing of Her Majesty's Intentions in this Affair, before we have presented any Act to that purpose for the Royal Assent, is to prejudg the Cause, and altogether Unparliamentary. I will add, That nothing has ever shewn the Power and Force of English Councils upon our Affairs in a more eminent manner at any time, since the Union of the Crowns. No Man in this House is more convinc'd of the great Advantage of that
Peace

Peace which both Nations enjoy by living under one Prince. But as on the one hand, some Men for private ends, and in order to get into Offices, have either neglected or betray'd the Interest of this Nation, by a mean compliance with the English Court; so on the other side it cannot be denied, that we have bin but indifferently us'd by the English Nation. I shall not insist upon the Affair of Darien, in which by their means and influence chiefly, we suffer'd so great a Loss both in Men and Mony, as to put us almost beyond hope of ever having any considerable Trade; and this contrary to their own true Interest, which now appears but too visibly. I shall not go about to enumerate Instances of a provoking nature in other matters, but keep my self precisely to the thing we are upon. The English Nation did, some time past, take into consideration the Nomination of a Successor to that Crown; an Affair of the highest importance, and one would think of common Concernment to both Kingdoms. Did they ever require our Concurrence? Did they ever desire the late King to cause the Parliament of Scotland to meet, in order to take our Advice and Consent? Was not this to tell us plainly, That we ought to be concluded by their Determinations, and were not worthy to be consulted in the matter? Indeed, my Lord Chancel-

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lor, considering their whole Carriage in this Affair, and the broad Insinuations we have now heard, That we are not to expect Her Majesty's Assent to any Limitations on a Successor (which must proceed from English Counsel) and considering we cannot propose to our selves any other Relief from that Servitude we lie under by the influence of that Court ; 'tis my Opinion, That the House come to a Resolution, *That after the Decease of Her Majesty, Heirs of her Body failing, we will separate our Crown from that of England.*

VI.

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Affair, and the broad Limitations we have
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pose to ourselves any other Relief from that
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that Court; it is my Opinion, That the
House come to a Resolution, That after the
Death of Her Majesty, His Majesty's House of Commons

VI.

My Lord Chancellor,

TH A T there should be Limitations
on a Successor, in order to take away
our Dependence on the Court of England,
if both Nations should have the same King,
no Man here seems to oppose. And I think
very few will be of opinion that such Limi-
tations should be defer'd till the meeting of
the Nation's Representatives upon the De-
cease of Her Majesty. For if the Successor
be not nam'd before that time, every one
will be so earnest to promote the Pre-
tensions of the Person he most affects,
that new Conditions will be altogether for-
gotten. So that those who are only in ap-
pearance for these Limitations, and in reali-
ty against them, endeavour for their last re-
fuge to mislead well-meaning Men, by tel-
ling them, that 'tis not advisable to put them
into the Act of Security, as well for fear
of losing all, as because they will be more

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conveniently plac'd in a separate Act. My Lord Chancellor, I would fain know, if any thing can be more proper in an Act which appoints the naming and manner of admitting a Successor, than the Conditions on which we agree to receive him. I would know, if the deferring of any thing, at a time when naturally it should take place, be not to put a slur upon it, and an endeavour to defeat it. And if the Limitations in question are pretended to be such a Burden in the Act, as to hazard the loss of the Whole, can we expect to obtain them when separated from the Act? Is there any common sense in this? Let us not deceive our selves, and imagin that the Act of 1696, does not expire immediatly after the Queen and Heirs of her Body; for in all that Act, the Heirs and Successors of his late Majesty King William are always restrain'd and specified by these exprefs Words, "According to the Declaration of the Estates, dated the 11th of April 1689. So that unless we make a due Provision by some new Law, a Dissolution of the Government will ensue immediatly upon the Death of her Majesty, failing Heirs of her Body. Such an Act therefore being of absolute and indispensable necessity, I am of Opinion, That the Limitations ought to be inserted therein as the only proper place for them, and surest way

to obtain them: And that whoever would separate them, does not so much desire we should obtain the Act, as that we should lose the Limitations.

VII.

My Lord Chancellor,

I Hope I need not inform this Honourable House, that all Acts which can be propos'd for the Security of this Kingdom, are vain and empty Propositions, unless they are supported by Arms; and that to rely upon any Law without such a Security, is to lean upon a Shadow. We had better never pass this Act: For then we shall not imagine we have done any thing for our Security; and if we think we can do any thing effectual without that Provision, we deceive our selves, and are in a most dangerous Condition. Such an Act cannot be said to be an Act for the Security of any thing, in which

which the most necessary Clause is wanting, and without which all the rest is of no force. Neither can any Kingdom be really secur'd but by arming the People. Let no Man pretend that we have standing Forces to support this Law ; and that if their Numbers be not sufficient, we may raise more. 'Tis very well known this Nation cannot maintain so many standing Forces as would be necessary for our Defence, tho we could intirely rely upon their Fidelity. The Possession of Arms is the distinction of a Freeman from a Slave. He who has nothing, and belongs to another, must be defended by him, and needs no Arms: But he who thinks he is his own Master, and has any thing he may call his own, ought to have Arms to defend himself, and what he possesses, or else he lives precariously and at discretion. And tho for a while those who have the Sword in their power, abstain from doing him Injuries ; yet by degrees he will be aw'd into a Submission to every arbitrary Command. Our Ancestors by being always arm'd, and frequently in Action, defended themselves against the Romans, Danes, and English ; and maintain'd their Liberty against the Incroachments of their own Princes. If we are not rich enough to pay a sufficient number of Standing Forces, we have at least this Advantage, That Arms in our own hands serve no less to

maintain our Liberty at home, than to defend us from Enemies abroad. Other Nations, if they think they can trust Standing Forces, may by their means defend themselves against foreign Enemies. But we, who have not Wealth sufficient to pay such Forces, should not, of all Nations under Heaven, be unarm'd. For us then to continue without Arms, is to be directly in the Condition of Slaves: To be found unarm'd in the Event of her Majesty's Death, would be to have no manner of Security for our Liberty, Property, or the Independence of this Kingdom. By being unarm'd, we every day run the risque of our All, since we know not how soon that Event may overtake us: To continue still unarm'd, when by this very Act now under Deliberation, we have put a case, which happening may separate us from England, would be the grossest of all Follies. And if we do not provide for arming the Kingdom in such an Exigency, we shall become a Jest and a Proverb to the World.

VIII.

My Lord Chancellor,

IF in the sad Event of Her Majesty's Decease without Heirs of her Body, any considerable Military Force should be in the hands of one or more Men, who might have an understanding together, we are not very sure what use they would make of them in so nice and critical a Conjunction. We know that as the most just and honourable Enterprizes, when they fail, are accounted in the number of Rebellions; so all Attempts, however unjust, if they succeed, always purge themselves of all Guilt and Imputation. If a Man presume he shall have Success, and obtain the utmost of his Hopes, he will not too nicely examine the Point of Right, nor balance too scrupulously the injury he does to his Country. I would not have any Man take this for a Reflection upon those Honourable

rable Persons, who have at present the Com-
 mand of our Troops. For besides that we
 are not certain, who shall be in those Com-
 mands at the time of such an Event, we
 are to know that all Men are frail, and the
 wicked and mean spirited World has paid too
 much Honour to many, who have sub-
 verted the Liberties of their Country.
 We see a great Disposition at this time in
 some Men, not to consent to any Limitations
 on a Successor, tho we should name the same
 with England. And therefore since this is
 probably the last opportunity we shall ever
 have, of freeing our selves from our De-
 pendence on the English Court, we ought to
 manage it with the utmost Jealousy and Dis-
 fidence of such Men. For tho we have orde-
 red the Nation to be arm'd and exercis'd,
 which will be a sufficient Defence when done,
 yet we know not but the event, which God a-
 vert, may happen before this can be effected.
 And we may easily imagine, what a few bold
 Men, at the Head of a small Number of
 regular Troops, might do, when all things are
 in Confusion and Suspence. So that we ought
 to make effectual Provision with the outmost
 Circumspection, that all such Forces may be
 subservient to the Government and Interest
 of this Nation, and not to the private Am-
 bition of their Commanders. I therefore
 move, That immediatly upon the decease of

Her

Her Majesty, all Military Commissions above that of a Captain, be null and void.

IX.

My Lord Chancellor,

I Know 'tis the undoubted Prerogative of Her Majesty, that no Act of this House shall have the force of a Law without Her Royal Assent. And as I am confident His Grace the High Commissioner is sufficiently instructed, to give that Assent to every Act which shall be laid before him; so more particularly to the Act for the Security of the Kingdom, which has already past this House: An Act that preserves us from Anarchy: An Act that arms a defenceless People; An Act that has cost the Representatives of this Kingdom much Time and Labour to frame, and the Nation a very great Expence: An Act that has passed by a great Majority: And above all an Act, that contains a Caution of the highest Importance
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for the Amendment of our Constitution. I did not presume the other day, immediately after this Act was voted, to desire the Royal Assent; I thought it a just deference to the High Commissioner, not to mention it at that time. Neither would I now, but only that I may have an Opportunity to represent to His Grace, That as he who gives readily doubles the Gift; so his Grace has now in his Hands, the most glorious and honourable Occasion, that any Person of this Nation ever had, of making himself acceptable, and his Memory for ever grateful to the People of this Kingdom: Since the Honour of giving the Royal Assent to a Law, which lays a lasting Foundation for their Liberties, has been reserved to him.

X.

My Lord Chancellor,

ON the Day that the Act for the Security of the Kingdom passed in this House, I did not presume to move for the Royal Assent. The next Day of Our Meeting I mention'd it with all imaginable Respect and Deference for his Grace the High Commissioner, and divers Honourable Persons seconded me. If now, after the Noble Lord who spoke last, I insist upon it, I think I am no way to be blamed. I shall not endeavour to shew the Necessity of this Act, in which the whole Security of the Nation now lies, having spoken to that point the other day. But shall take occasion to say something concerning the Delay of giving the Royal Assent to Acts passed in this House; for which I could never hear a good Reason, except that a Commissioner was not sufficiently instructed. But that cannot be the true Reason at this time, because several Acts have lain long for the Royal Assent: In particular, That to Ratifie a former Act, for turning the Convention into a Parliament, and fencing the Claim

of Right, which no Man doubts his Grace is sufficiently instructed to pass. We must therefore look elsewhere for the Reason of this Delay, and ought to be excused in doing this; since so little Regard is had, and so little Satisfaction given to the Representatives of this Nation, who have for more than three Months employed themselves with the greatest Assiduity in the Service of their Country, and yet have not seen the least Fruit of their Labours Crown'd with the Royal Assent. Only one Act has been touch'd, for recognizing Her Majesty's Just Right, which is a thing of Course. This gives but too good Reason to those who speak freely, to say that the Royal Assent is industriously Suspended, in order to oblige some Men to Vote, as shall be most expedient to a certain Interest; and that this Session of Parliament is continued so long, chiefly to make Men uneasy, who have neither Places nor Pensions to bear their Charges; that by this Means Acts for Money, Importation of French Wine, and the like, may pass in a thin House, which will not fail immediatly to receive the Royal Assent, whilst the Acts that concern the Wellfare, and perhaps the very Being of the Nation, remain untouch'd.

XI.

My Lord Chancellor,

BEING under some Apprehensions that her Majesty may receive ill Advice in this Affair, from Ministers who frequently mistake former bad Practices for good Precedents. I desire that the third Act of the first Session of the first Parliament of King Charles the Second may be Read.

Act the Third of the Session, Parliament I. Charles II.

Act Asserting his Royal Prerogative, in Calling and Dissolving of Parliaments, and making of Laws.

THE Estates of Parliament now Convoen-
ed by His Majesty's Special Authority,
considering that the Quietness, Stability
and Happiness of the People, do depend upon the
Safety of the King's Majesty's Sacred Person,
and the Maintenance of his Sovereign Authority,
Princely Power, and Prerogative Royal; and
conceiving

conceiving themselves obliged in Conscience, and in Discharge of their Duties to Almighty GOD, to the King's Majesty, and to their Native Country, to make a due Acknowledgement thereof at this time; Do therefore unanimously Declare, that they will with their Lives and Fortunes maintain and defend the same. And they do hereby Acknowledge, that the Power of Calling, Holding, Preroguing, and Dissolving of Parliaments, and all Conventions and Meetings of the Estates, does solely Reside in the Kings Majesty, his Heirs and Successors. And that as no Parliament can be Lawfully kept, without the Special Warrant and Presence of the King's Majesty, or his Commissioner; so no Acts, Sentences, or Statutes, to be passed in Parliament, can be Binding upon the People, or have the Authority and Force of Laws, without the special Authority and Approbation of the King's Majesty, or his Commissioner interponed thereto, at the making thereof. And therefore the King's Majesty, with Advice and Consent of his Estates of Parliament, doth hereby Rescind and Annull all Laws, Acts, Statutes, or Practices that have been, or upon any pretext whatsoever may be, or seem contrary to, or inconsistent with, his Majesty's Just Power and Prerogative abovementioned; and Declares the same to have been Unlawful, and to be void and null in all time coming. And to the end that this Act and Acknowledgement, which
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the Estates of Parliament, from the Sense of their humble Duty and certain Knowledge, have hereby made, may receive the more Exact Obedience in time coming; It is by his Majesty, with Advice foresaid, Statute and Ordained, that the punctual Observance thereof be specially regarded by all his Majesty's Subjects, and that none of them upon any pretext whatsoever, offer to call in Question, Impugn, or do any Deed to the contrary hereof, under Pain of Treason.

My Lord Chancellor,

The Questions concerning the King's Prerogative and the Peoples Privileges, are nice and difficult. Mr. William Colvin, who was one of the Wisest Men this Nation ever had, used to say concerning Defensive Arms, that he wished all Princes thought 'em Lawful, and the People Unlawful. And indeed I heartily wish, that something like these moderate Sentiments might always determine all matters in question between both, By the Constitution of this Kingdom, no Act of the Estates had the Force of a Law, unless touched by the King's Scepter; which was his undoubted Prerogative. The touch of his

his Scepter gave Authority to our Laws, as his Stamp did a Currency to our Coin : But he had no Right to refuse or withhold either. 'Tis pretended by some Men, that in virtue of this Act, the King may refuse the Royal Assent to Acts passed by the Estates of the Kingdom. But it ought to be considered, that this Law is only an Acknowledgement and Declaration of the King's Prerogative, and consequently gives nothing new to the Prince. The Act acknowledges this to be the Prerogative of the King, that whatever is passed in this House, cannot have the Force of a Law without the Royal Assent, and makes it High Treason to question this Prerogative; because the Parliament during the Civil War, had usurped a Power of imposing their own Vores upon the People for Law, tho neither the King, nor any Person Commissionated by him were present : And this new Law was wholly and simply directed to Abolish and Rescind that Usurpation, as appears by the Tenor and Express Words of the Act; which does neither acknowledge nor declare, that the Prince has a Power to Refuse the Royal Assent to any Act presented by the Parliament. If any one should say, that the Lawgivers design'd no less, and that the Principal Contrivers and Promoters of the Act, frequently boasted they had obtained the Negative, as they call it, for the Crown; I desire to know how

how they will make that appear, since no Words are to be found in the Act, that shew any such Design: Especially if we consider, that this Law was made by a Parliament that spoke the most plainly, least equivocally, and most fully of all others concerning the Prerogative. And if those who promoted the passing of this Act, were under so strong a Delusion, to think they had obtained a new and great Prerogative to the Crown, by a declaratory Law, in which there is not one Word to that purpose, 'twas the Hand of Heaven that defeated their Design of destroying the Liberty of their Country. I know our Princes have refused their Assent to some Acts since the making of this Law: But a Practice introduced in Arbitrary Times can deserve no Consideration. For my own part, I am far from pushing things to Extremity on either hand: I heartily enter into the Sentiments of the Wise Man I mentioned before, and think the People of this Nation might have been happy in mistaking the Meaning of this Law, if such Men as have had the greatest Credit with our Princes, would have let them into the true Sense of it. And therefore these who have the Honour to advise Her Majesty, should beware of inducing Her to a Refusal of the Royal Assent to the Act for the Security of the Kingdom, because the unwarrantable

rentable Custom of rejecting Acts, was introduced in Arbitrary Times.

XII.

My Lord Chancellor,

TIS often said in this House, that Parliaments, and especially long Sessions of Parliament, are a heavy Tax and Burden to this Nation: I suppose they mean as things are usually manag'd: Otherwise I should think it a great Reflection on the Wisdom of the Nation, and a Maxim very pernicious to Our Government. But indeed in the present State of Things, they are a very great Burden to Us. Our Parliament seldom meets in Winter, when the Season of the Year and our own private Affairs bring us to Town. We are called together for the most part in Summer, when our Country Business and the Goodness of the Season makes us live in Town with Regrate. Our Parliaments are Sitting both in Seed-time and Harvest, and We are made to Toil the whole Year. We meet one day in three; tho no Reason can be given why We should not meet every day, unless such a one, as I am unwilling to name, lest thereby

Occasion

Occasion should be taken to mention it elsewhere to the Reproach of the Nation. The Expences of our Commissioners are now become greater than those of our Kings formerly were: And a great part of this Money is laid out upon Equipage and other things of Foreign Manufacture, to the great damage of the Kingdom. We meet in this place in the Afternoon, after a great Dinner, which I think is not the time of doing Business; and are in such confusion after the Candles are lighted, that very often the Debate of one single Point cannot be finish'd; but must be put off to another Day. Parliaments are forc'd to submit to the Conveniences of the Lords of the Session; and Meetings of the Burroughs; tho no good reason can be given, why either a Lord of the Session or any one deputed to the Meetings of the Burroughs, should be a Member of this House, but on the contrary, Experience has taught us the Inconveniency of both. When Members of Parliament, to perform the Duty they owe to their Country, have left the most important Affairs, and quitted their Friends, many times in the utmost Extremity, to be present at this Place, they are told they may return again; as we were the other day call'd together only in order to be dismiss'd. We have been for several days adjourn'd in this time of Harvest, when we had the most important

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Affairs

Affairs under Deliberation; that as well those who have neither Place nor Pension might grow weary of their Attendance, as those, whose ill State of Health makes the Service of their Country as dangerous, tho' no less honourable than if they serv'd in the Field. Do not those things shew us the necessity of those Limitations, I had the Honour to offer to this House? And particularly of that for lodging the Power of Adjournments in the Parliament, that for Meetings of Parliament to be in Winter; that for Impowering the President to give the Royal Assent, and ascertaining his Salary; with that for excluding all Lords of the Session from being Members of Parliament. Could one imagine that in this Parliament, in which we have had the first opportunity of amending our Constitution by new Conditions of Government, occasion should be given by reiterating former Abuses, to convince all Men of the necessity of farther Limitations upon a Successor; Or is not this rather to be attributed to a peculiar Providence, that those who are the great Opposers of Limitations, should by their Conduct give the best reason of them? But I hope no Member for this House will be discourag'd either by Delay or Opposition; because the Liberties of a People are not to be maintain'd without passing through great difficulties, and that no Toil and Labours ought to be

be declin'd to preserve a Nation from Slavery.

XIII.

My Lord Chancellor,

I Have waited long and with great Patience for the Result of this Session, to see if I could discover a Real and sincere Intention in the Members of this House, to Restore the Freedom of our Country in this great, and perhaps only, Opportunity. I know there are many different Views among us, and all Men pretend the Good of the Nation. But every Man here is oblig'd carefully to Examine the Things before us, and to Act according to his Knowledge and Conscience, without Regard to the Views of other Men, whatever Charity he may have for them: I say, every Man in this Place is oblig'd by the Oath he has taken to give such Advice as he thinks most Expedient for the good of his Country. The principal Business of this Session has been the Forming of an Act for the Security of the Kingdom, upon the Expiration of the present Inail of the Crown. And tho one would

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have thought, that the most Essential thing which could have enter'd into such an Act, had been to Ascertain the Conditions on which the Nation would receive a Successor, yet this has been entirely wav'd and overrul'd by the House. Only there is a Caution inserted in the Act, That the Successor shall not be the same Person who is to succeed in *England*, unless such Conditions of Government be first Enacted, as may secure the Freedom of this Nation. But this is a General and Indefinite Clause, and liable to the dangerous Inconveniency of being Declar'd to be fulfill'd by giving us two or three inconsiderable Laws. So that this Session of Parliament, in which we have had so great an Opportunity of making ourselves for ever a Free People, is like to Terminate without any real Security for our Liberties, or any Essential Ammendment of our Constitution. And now, when we ought to come to Particulars, and Enact such Limitations as may fully satisfy the General Clause, we amuse our Selves with things of little significancy, and hardly mention any Limitation of Moment or Consequence. But instead of this, Acts are brought in for Regulations to take place during the Life of the Queen, which we are not to expect, and quite draw us off from the Business we should attend. By these Methods diverse well-

well-meaning Men have been deluded, whilst others have propos'd a present Nomination of a Successor under Limitations. But I fear the far greater part have design'd to make their Court either to Her Majesty, the House of Hannover, or those of St. Germans, by maintaining the Prerogative in Scotland as high as ever, to the perpetual Enslaving of this Nation to the Ministers of England. Therefore I, who have never made Court to any Prince, and I hope never shall, at the Rate of the least prejudice to my Country, think my self oblig'd in Discharge of my Conscience, and the Duty of my Oath in Parliament to offer such Limitations as may Answer the General Clause in the Act for the Security of the Kingdom. And this I do in two Draughts, the one containing the Limitations by themselves; the other with the same Limitations, and a Blank for inserting the Name of a Successor. If the House shall think fit to take into Consideration that Draught which has no Blank, and Enact the Limitations, I shall rest satisfied, being as little Fond of Naming a Successor as any Man. Otherwise, I offer the Draught with a Blank; to the end that every Man may make his Court to the Person he most affects; and hope by this Means to please all Parties: The Court in offering them an Opportunity to Name the Successor of England, a thing so acceptable to

to Her Majesty and that Nation : Those who may favour the Court of St. Germain's, by giving them a chance for their pretensions ; And every true Scots-Man, in Vindictating the Liberty of this Nation, whoever be the Successor.

First Draught.

OUR Sovereign Lady, with Advice and Consent of the Estates of Parliament, Statutes and Ordains ; That after the Decease of Her Majesty (whom G O D long preserve) and failing Heirs of Her Body, no one shall succeed to the Crown of this Realm that is Likewise Successor to the Crown of England, but under the Limitations following, which, together with the Oath of Coronation and Claim of Right, they shall Swear to observe. That all Places and Offices, both Civil and Military, and all Pensions formerly confer'd by our Kings, shall ever after be given by Parliament ----- That a new Parliament shall be chosen every Michaelmas Head-Court, to sit the first November thereafter, and adjourn themselves from time to time till next Michaelmas ; And that they chuse their own President. ----- That a Committee of 36 Members, chosen by, and out of the whole Parliament,

Parliament, without distinction of Estates, shall, during the Intervails of Parliament, under the King, have the Administration of the Government, be his Council, and accountable to Parliament; With Power, in extraordinary occasions, to call the Parliament together.

Second Draught.

OUR Sovereign Lady, with Advice and Consent of the Estates of Parliament, Statutes and Ordains, That after the Decease of Her Majesty, (whom GOD long preserve) and Heirs of Her Body failing, shall succeed to the Crown of this Realm. But that in case the said Successor be likewise the Successor to the Crown of England, the said Successor shall be under the Limitations following, &c.

No Man can be an Enemy to these Limitations, in case we have the same King with England, Except he who is so shameless a Partizan either of the Court of St. Germans, or the House of Hanover, that he would rather see Scotland continue to depend

pend upon an *English* Ministry, than that their Prerogative should be any way less'n'd in this Kingdom. As for those who have *St. Germans* in their view, and are accounted the highest of all the Prerogative-men, I would ask them, if we should assist them in advancing their Prince to the Throne of Great Britain, are we, for our Reward, to continue still in our former Dependence on the *English* Court? These Limitations are the only Test to discover a Lover of his Country from a Courtier either to Her Majesty, Hanover, or *St. Germans*. For Prerogative-men who are for enslaving this Nation to the Directions of another Court, are Courtiers to any Successor; And let them pretend what they will, if their Principles lead necessarily to Subject this Nation to another, are Enemies to the Nation. These Men are so absurd as to provoke *England*, and yet resolve to continue Slaves of that Court. This Country must be made a Field of Blood, in order to advance a Papist to the Throne of Britain. If we fail, we shall be Slaves by Right of Conquest; If we prevail, have the Happiness to continue in our former slavish Dependence. And tho' to break this Yoke all good Men would venture their All, yet I believe few will be willing to lie at the Mercy of *France* and Popery, and at the same

same time draw upon themselves the Indignation and Power of *England*, for the sake only of measuring our Strength with a much more Powerfull Nation; and to be sure to continue still under our former Dependence, tho we should happen to prevail. Now of those who are for the same Successor with *England*, I would ask, if in that case we are not also to continue in our former Dependence; which will not fail always to grow from bad to worse, and at length become more intolerable to all honest Men, than Death it self. For my own part I think, that even the Most zealous Protestant in the Nation, if he have a true regard for his Country, ought rather to wish (were it consistent with our Claim of Right) that a Papist should succeed to the Throne of Great Britain under such Limitations as would render this Nation Free and Independent, than the most Protestant and Best Prince, without any. If we may live Free, I little value who is King: 'Tis indifferent to me, provided the Limitations be Enacted, to Name or not Name; *Hanover, St. Germans*, or whom you will.

XIV.

My Lord Chancellor,

HIS Grace the High Commissioner having acquainted this House that he has Instructions from Her Majesty to give the Royal Assent to all Acts pass'd in this Session; except that for the Security of the Kingdom, 'twill be highly necessary to provide some new Laws for lecturing our Liberty upon the Expiration of the present Intail of the Crown. And therefore I shall speak to the first Article of the Limitations contain'd in the short Act I offer'd the other day; not only because 'tis the first in order, but because I perswade my self you all know that Parliaments were formerly chosen annually; that they had the power of Appointing the times of their Meetings and Adjournments, together with the Nomination of Committees to superintend the Administration of the Government during the Intervals of Parliament All which, if it were necessary, might be prov'd by a great number of publick Acts. So that if I demonstrate the use and necessity of the first
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Article, there will remain no great difficulty concerning the rest.

My Lord Chancellor,

The Condition of a People, however unhappy, if they not only know the cause of their Misery, but have also the Remedy in their Power, and yet should refuse to apply it, one would think, were not to be pitied. And tho' the Condition of good Men, who are concluded and oppress'd by a Majority of the bad, is much to be lamented; yet Christianity teaches us to shew a greater measure of Compassion to those who are knowingly and voluntarily obstinate to ruin both themselves and others. But the Regret of every wise and good Man must needs be extraordinary, when he sees the Liberty and Happiness of his Country not only obstructed, but utterly extinguish'd by the private and transitory Interest of self-designing Men; who indeed very often meet their own Ruin, but most certainly bring Destruction upon their Posterity by such Courses. Sure if a Man who is intrusted by others, should for his own private Advantage betray that Trust, to the Perpetual and Irrecoverable Ruin of those who trusted him, the liveliest Sense and Deepest Remorse for so great Guilt, will undoubtedly

edly seize and terrify the Conscience of such a Man, as often as the Treacherous part he has Acted shall recur to his Thoughts; which will most frequently happen in the times of his distress, and the nearer he approaches to a Life in which those Remorses are perpetual. But I hope every Man in this House has so well consider'd these things, as to preserve him from falling into such terrible Circumstances: And (as all Men are subject to great Failings) if any Person plac'd in this most Eminent Trust, is conscious to himself of having ever been wanting in Duty to his Country, I doubt not he will this Day, in this weighry matter, atone for all, and not blindly follow the Opinion of other Men, because he alone must account for his own Actions to his great Lord and Master.

The Limitation, to which I am about to speak, requires, That all Places, Offices, and Pensions, which have been formerly given by our Kings, shall, after Her Majesty and Heirs of her Body, be confer'd by Parliament so long as we are under the same Prince of *England*. Without this Limitation, our Poverty and Subjection to the Court of *England* will every day increase; and the Question we have now before us is, whether will be Free-men or Slaves for ever? Whether we will continue to Depend, or break the Yoke of our Dependence? And whether we will chuse to

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Live Poor and Miserable, or Rich, Free, and Happy? Let no Man think to object, That this Limitation takes away the whole Power of the Prince. For the same Condition of Government is found in one of the most Absolute Monarchies of the World. I have very good Authority for what I say, from all the best Authors that have treated of the Government of *China*; but shall only Cite the Words of an able Minister of State, who had very well considered whatever had been written on that Subject; I mean Sir *William Temple*, who says,

That for the Government, 'tis absolute Monarchy, there being no other Laws in China, but the King's orders and commands; And it is likewise hereditary, still descending to the next of Blood. But all Orders and Commands of the King proceed thro his Councils; And are made upon the Recommendation or Petition of the Council Proper and Appointed for that Affair; So that all matters are Debated, Determin'd, and Concluded by the several Councils; And then upon their Advices and Requests made to the King, they are Ratified and Sign'd by him, and so pass into Laws. All Great Offices of State are likewise confer'd by the King, upon the same Recommendations or Petitions of his several Councils; So that none are prefer'd by the Humour of the Prince himself, nor by Favour
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of any Minister, by Flattery or Corruption, but by the Force or Appearance of Merit, of Learning, and of Virtue; Which Observ'd by the several Councils, gain their Recommendations or Petitions to the King.

These are the exprefs words of that Minister. And if under the greatest Absolute Monarchy of the World, in a Country where the Prince actually Resides, If among Heathens this be accounted a necessary part of Government for the Encouragement of Virtue, shall it be denyed to Christians, living under a Prince who Resides in another Nation? Shall it be denyed to a People, who have a Right to Liberty, and yet are not Capable of any in their present Circumstances, without this Limitation? But we have form'd to our Selves such Extravagant Notions of Government, that even in a limited Monarchy, nothing will please, which in the least Deviates from the Model of France, and every thing else must stand branded with the Name of Common-Wealth. Yet a great and Wise People, found this very Condition of Government necessary to Support even an Absolute Monarchy. If any Man say, That the Empire of China contains divers Kingdoms; and that the Care of the Emperor, and his Knowledge of particular Men, cannot extend to all: I Answer, the Case is the same with us; And it seems as if that wise People
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design'd this Constitution for a Remedy to the like Inconveniencies with those we labour under at this Time.

This Limitation will undoubtedly enrich the Nation, by stopping that perpetual Issue of Money to England, which has Reduced this Country to Extream Poverty. This Limitation does not flatter us with the hopes of Riches by an uncertain Project; does not require so much as the Condition of our own Industry; but by saving great Sums to the Country, will every Year furnish a Stock sufficient to carry on a considerable Trade, or to Establish some useful Manufacture at home, with the highest probability of Success. Because our Ministers by this Rule of Government, would be Freed from the Influence of English Councils; And our Trade be intirely in our own Hands, and not under the Power of the Court, as it was in the Affair of *Darien*. If we do not obtain this Limitation, our Attendance at *London* will continue to drain this Nation of all those Sums, which should be a Stock for Trade. Besides, by requesting that Court, we not only spend our Money, but learn the Expensive Modes and Ways of Living, of a Rich and Luxurious Nation: We lay out Yearly great Sums in Furniture and Equipage, to the unspeakable Prejudice of the Trade and Manufactures of our own Country. Not that I think

think it amiss to Travel into *England*, in order to see and Learn their Industry in Trade and Husbandry. But at Court what can we Learn, except horrid Corruption of Manners, an Expensive way of Living, that we may for ever alter be both poor and Profligate?

This Limitation will secure to us our Freedom and Independence. It has been often said in this House, that our Princes are Captives in *England*; and indeed one would not wonder, if when our Interest happens to be Different from that of *England*, our Kings, who must be supported by the Riches and Power of that Nation in all their Undertakings, should prefer an *English* Interest before that of this Country. 'Tis yet less strange, that English Ministers should Advise and procure the Advancement of such Persons to the Ministry of *Scotland*, as will comply with their Measures and the King's Orders; And to surmount the Difficulties they meet with with from a True Scots Interest, that Places and Pensions should be bestowed upon Parliament-Men and others; I say, these things are so far from wonder, that they are inevitable in the present State of our Affairs. But I hope they likewise shew us, that we ought not to continue any longer in this Condition. Now this Limitation is Advantagious to all. The Prince will no more

more be put upon the hardship of Deciding between an English and a Scots Interest; or the Difficulty of Reconciling what he owes to each Nation, in Consequence of his Coronation Oath. Even English Ministers will no longer be under the Temptation of Meddling in Scots Affairs: Nor the Ministers of this Kingdom, together with all those who have Places and Pensions, be any more subject to the worst of all Slavery. But if the Influences I mentioned before shall still continue, what will any other Limitation avail us? What shall we be the better for our Act concerning the Power of War and Peace; since by the Force of an English Interest and Influence, we cannot fail of being Engaged in every War, and neglected in every Peace.

By this Limitation, our Parliament will become the most uncorrupted Senate of all Europe. No Man will be tempted to vote against the Interest of his Country, when his Country shall have all the Bribes in her own Hands; Offices, Places, Pensions. 'Twill be no longer necessary to lose one half of the Publick Customs, that Parliament-Men may be made Collectors. We will not desire to exclude the Officers of State from sitting in this House, when the Country shall have the Nomination of them; And our Parliaments free from Corruption, cannot fail to redress all our Grievances. We shall then

have no Cause to fear a refusal of the Royal Assent to our Acts; For we shall have no evil Counsellor nor Enemy of his Country to advise it. When this Condition of Government shall take place, the Royal Assent will be the Ornament of the Prince, and never be refus'd to the Desires of the People. A general Unanimity will be found in this House; In every part of the Government, and among all Ranks and Conditions of Men. The distinctions of Court and Country-Party shall no more be heard in this Nation; Nor shall the Prince and People any longer have a different Interest. Rewards and Punishments will be in the Hands of those who live among us, and consequently best know the Merit of Men; By which means Virtue will be recompented, and Vice discouraged, and the Reign and Government of the Prince will flourish in Peace and Justice.

I should never make an end, if I would prosecute all the great Advantages of this Limitation; Which like a Divine Influence turns all to good, as the Want of it has hitherto poison'd every thing, and brought all to ruin. I shall therefore only add one particular more, in which it will be of the highest advantage to this Nation. We all know, that the only way of enslaving a People is by keeping up a Standing Army; That by standing Forces all limited Monarchies have been destroyed

destroyed, without them none; That so long as any standing Forces are allowed in a Nation. Pretexts will never be wanting to increase them; That Princes have never suffer'd Militias to be put upon any good foot, least standing Forces should appear unnecessary. We also know that a good and well regulated Militia is of so great Importance to a Nation, as to be the principal part of the Constitution of any free Government. Now by this Limitation, the Notion will have a sufficient power to Render their Militia good and Effectual, by the Nomination of Officers: And if we would send a certain Proportion of our Militia Abroad Yearly, and Relieve them from time to time, we may make 'em as good as those of Switzerland are; and much more able to defend the Country than any unactive standing Forces can be. We may save every Year great Sums of Money, which are now expended to maintain a standing Army; and which is yet more, run no hazard of losing our Liberty by them. We may Employ a greater Number of Officers in those Detachments, than we do at present in all our Forces both at Home and Abroad; and make better Conditions for them in those Countries that need their Assistance. For being Freed from the Influences of English Councils, we shall certainly look better than we have hitherto done, to the Terms on which we may send them

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them into the Armies either of England or
Holland; and not permit them to be abus'd
to many different ways, as to the great Re-
proach of the Nation they have been, in their
Rank, Pay, Cloathing, Arrears, Levy-Money,
Quarters, Transport-Ships and Gratui-
ties.

Having thus shewn some of the great Ad-
vantages this Limitation will bring to the Na-
tion (to which every one of you will be able
to add many more) that 'tis not only consistent
with Monarchy, but even with an absolute Mo-
narchy; having demonstrated the necessity of
such a Condition in all Empires, which con-
tain several Kingdoms; and that without it we
must for ever continue in a dependence upon
the Court of England; In the Name of God,
what hinders us from Embracing so great a
Blessing? Is it because her Majesty will Refuse
the Royal Assent to this Act? If she do, sure
I am, such a Refusal must proceed from the Ad-
vice of English Counsellors; and will not that
be a Demonstration to us, that after Her Ma-
jesty and Heirs of Her Body, we must not,
cannot any longer continue under the same
Prince with England? Shall we be wanting
to our selves? Can Her Majesty give Her
Assent to this Limitation upon a Successor,
before you offer it to Her? Is She at
Liberty to give us satisfaction in this Point,
till we have declar'd to *England* by a Vote
of

of this House, that unless we obtain this Condition, we will not Name the same Successor with them? And then will not Her Majesty, even by the English Advice, be perswaded to give Her Assent; unless Her Counsellors shall think fit to incurr the heavy Imputation, and run the dangerous risque of Dividing these Nations for ever? If therefore either Reason, Honour or Conscience have any Influence upon us; if we have any regard either to our selves or Posterity; if there be any such thing as Virtue, Happiness or Reputation in this World, or Felicity in a future State, let me Adjure you by all these, not to draw upon your Heads Everlasting Infamy, attended with the Eternal Reproaches and Anguish of an evil Conscience, by making your selves and your Posterity Miserable.

XV.

My Lord Chancellor,

THIS is an Act for Repealing a Law made in the Year 1700, which Prohibits the Importation of French Wines.

Wines. We were then in Peace with *France*, and are now in a declar'd War against them. The Prohibition was made in time of Peace because the *French* laid greater Impositions upon our Trade than they did upon other Nations: And yet 'tis desir'd, that *French* Wines may be Imported in time of War; tho not only the same, but new Burdens are laid upon our Merchandize in *France*. 'Tis pretended that we shall not Trade to *France* directly, but may buy *French* Wines from certain Nations, who Trade to that Country with our Goods. I will allow all this, tho it be false; but where is the necessity we should take *French* Wines from those Nations for our Commodities? Have they not Copper, Iron, Pitch, Tar, Hemp, Flax, and Timber for Building of Ships, and other uses which we need? Or if our Consuption of these things will not answer the value of those Goods they take of us, may we not Export the Overpluss to other Parts? Since therefor the same, or greater Impositions continue still upon our Merchandize in *France*, so as we cannot get of these Neutral Nations so high a Price for our Goods, as if the Impositions in *France* were taken off, the Reason of the Law made in 1700 still remains. And if we had sufficient Cause to Prohibit the Importation of *French* Wines by our own Ships in time of Peace,

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shall we Purchase *French* Wines from other Nations in time of War? The *French* would not receive our Goods in time of Peace, upon equal Terms with those of other Nations, which obliged us to forbid their Wines: Shall we now take them at a double Value in time of War? Or are we become greater Friends to *France* now, in a time of open War then were before in time of Peace? Something might be said, if no Wines were to be found in *Portugal* or *Italy*. But it seems no Wine will please us, but that of a Country, against which we are in actual War, and which uses us ill both in Peace and War; One would have thought that the past Services of a Nation, which has more than once saved that base People from Ruin, might have obliged them to a more favourable usage of us. But the World will say, we are yet a baser People than they, if whilst they continue to suppress our Trade, we repeal a Law, for which we have now more and better Reasons than when we made it. To repeal such a Law in time of War, will sound admirably well in *England* and *Holland*: since 'tis no less than a direct Breach of our Alliance with those Nations; A formal Renunciation of any Advantages we may pretend in a Treaty of Peace, and exactly calculated to inform the World of the Inclinations of our Ministers. If we
would

would trade to *Portugal* and *Italy*, we should have the Benefit of *English* and *Dutch* Convoys. We might trade in our own Ships, or in *Swedes*, *Danes*, and *Hamburgers*, to the Ruin of our Navigation. For if they drive our Trade for us, we may indeed burn our Ships and plow our Towns, as has been told us. And therefore I move that this Act, as prejudicial to our Trade and Navigation, and highly injurious to the Honour of the Nation, may be thrown out.

XVI

My Lord Chancellor,

ONE would think that of all Men Lawgivers should be of the most undoubted Probity, and that selfish Ends and Disingenuity should have no place in their Assemblies. For if those who gives Laws to other Men, have not the good of the Nations they govern in view, but are ready to Sacrifice every thing to their own private interest, such a Scandalous Conduct must be of the last consequence to a Government, by alienating the Affections of the People from those

those who shall be found guilty of such Practices. My Lord, No Man in this House can be ignorant, that this Act will not only open a Trade and Correspodence with France, contrary to the Declaration of War, and our own Standing Laws; but that the Design of those who promote the passing of this Act is to have a Trade directly with France. 'Tis known that Scots Ships are already Loading Wines at Bourdeaux for this Kingdom; and that a French Factor is already arriv'd in this City. Besides, 'tis notorious, that a Ship belonging to this Port, and Freightd with Wines from France, is now lying in Queensferry-Road, not eight Miles from this Place. She pretends indeed to be a Dane, because she came last from Norway; whither she was sent for no other Reason than that she came too soon upon this Coast. This Ship has an Officer and divers Seamen on Board, sent from one of our Frigates for her Guard, who have absolutely Refus'd to permit the Persons that were Impower'd by the Admiralty to Examine her, unless they should produce an Order from the Captain of the Frigate, or from your Lordship. And as if our Act for the Prohibition of French Wines were already Repeal'd, and our Collectors, no less than our former Kings, might dispense, with the Laws, another Ship Loaden with the Wines of that Country, has been brought into the

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Clyde,

Clyde, and her Lading into the City of Glasgow, during this Session, in contempt of the Law and the Authority of the Parliament. All this, and much more of the same kind, is well known to those who are in the Administration, and seem not to think it their Business to take notice of such practices. But I hope this House will not overlook these gross Mismanagement; And since the Executive part of the Government is arriv'd to that state, that hardly any Law is put in execution, the Parliament, according to the many Precedents we have in our Acts, will give order for a better Administration in time to come, and take effectual Care that those who are plac'd in the highest Trusts, shall see the Laws duly executed; Especially your Lordship, who during the Intervals of Parliament, as the Principal Person in the Government, ought to be answerable to the Nation for their due Execution. Now the great Argument which is us'd for allowing the importation of French Wines is, that we shall certainly have the Wines of that Country, tho' very bad and very dear, if the Prohibition be continu'd. Which is only to say, we have no Government among us. Two good Laws were made in the year 1700 One against the Exportation of our Wool, the other against the Importation of French Wines; The first to give a being to a Woolen Manufacture

Manufacture in this Kingdom, the Latter to Vindicate our Trade against the Impositions of France. We have already Render'd the one ineffectual, to the Ruin of our Woollen Manufacture; shall we now Repeal the other? Shall we send them our Wool, and buy their Wines, and oblige them doubly for burdening and oppressing us in our Trade? 'Tis pretended that the Customs arising from the Importation of French Wines, must serve to pay the Civil List, because the former Duties are fallen one half of the usual Value. A very cogent Argument indeed! When we know that the Customs have been taken from the Farmers, only in order to bestow the Collectors Places upon Parliament-Men. Shall we make good such Funds as are exhausted, by Bribing Men to Betray our Liberty? If any Justice were to be found in this Nation, the Advisers of these things had long since been brought to a Scaffold. But as there is no Crime under Heaven more Enormous, more Treacherous, and more destructive to the very Nature of our Government, than that of Bribing Parliaments; So there is nothing more Common and Barefac'd: And I think this Session should have been open'd by purging the House from such Corrupted Members; Which if we had done, we had not met with so many Difficulties and Obstructions of the Publick Service. But I hope we shall not

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be so remiss for the future. And for the present, *My Lord Chancellor*, I move, That this Act for taking off the Prohibition of French Wines, as a Design of the Blackest Nature, Hurtful and Ignominious to the Nation, and Highly Reflecting on our Ministers and Administration, may be thrown out.

XVII.

My Lord Chancellor,

Yesterday a Cause was brought into this House by a Protestation for Remedy of Law: Upon which Debate arose, whether a Lord of Session, who is also a Member of this House for some Shire or Burrough, could sit again as a Judge of the same Cause. I was then of Opinion he might; Because the House had Declar'd they would not confine themselves to decide this matter by what had been already Alleg'd and Prov'd before the Lords of Session; But would receive new proof and Matter, if any had been Discover'd since the passing the Decree. And indeed in that case

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I was of Opinion, those Lords of Session might and ought to Judg again, because new Proof and new Matter might induce them to alter their former Judgement. But since no new Matter or Proof appears, and that the Vote is stated, Adhere to the Decreet of the Lords of Session, or sustain the Protestation; which is only and simply to Determine the Cause by what was Alleg'd and Prov'd before that Bench; I cannot Consent that any of those Lords, tho Members of this House, should again be Judges of the same Cause. Nor indeed, till the House had overrul'd my Opinion, could I think that we ought to decide any Cause brought before us by Protestation for Remeid of Law, otherwise than by the Proofs and Matters alleg'd and Prov'd before the Lords of Session. Certainly 'twas never design'd, by allowing those Protestations, to bring all Civil Causes before our Parliaments. For if we should Judge of Matters Originally in this House, or go about to Redress and Relieve Men against their Adversaries upon new Proof after the Decreet of the Ordinary Judges, all the Civil Causes of the Nation might under one Pretext or another be brought before us. In these cases we are only to relieve the People by reversing the unjust Sentences of the Lords of Session. And the Privilege of the People to Protest for Remeid of Law, was principally design'd to be a check upon the Ordinary Judges, and Oblige them to do Justice: which if they should not
do

do; and were Convicted of Bribery or other gross Injustice, the Parliament might remove them from their Offices, or otherwise Punish them in Life or Estate. So that these Lords of Session, who have formerly determin'd this Cause, cannot, I think, reasonably pretend to Judge the same again, tho they are Members of the House; because no Man can be Judge of any thing, by which he may receive Damage or Profit. If the Decreet now under Consideration, shall be found grossly unjust, I hope no Man will say the Judges may not be punish'd. And the Judgement to be given by the Parliament is to be confin'd to this; whether the Lords of Session have pronounc'd a just or unjust Sentence. In the giving of which Judgement, no Lord of Session can be present as Judge; unless we will say that an unjust Judge may be absolv'd by his own Vote. But to all this a very easy Remedy is to be found; I mean, That no Lord of Session should be a Member of Parliament, which would be highly advantageous to the Nation on many accounts, and principally that our Parliaments might no longer interrupt or disturb the common Course of Justice.

F I N I S.





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